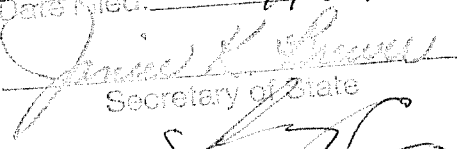
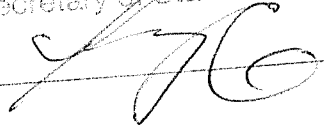


ADOT JPA File No.: 05-017  
AG Contract No.: KR05-0885TRN  
**Amendment No. 1**  
Project No.: STP-202-B(007)B  
Project: Red Mountain Freeway  
Section: Power Road-University Drive  
TRACS No.: H5782 01C  
Budget Source Item No.: 83902

NO. 27873  
Filed with the Secretary of State  
Date Filed: 9/16/06  
  
Secretary of State  
By: 

**AMENDMENT NO. 1  
TO  
INTERGOVERNMENTAL AGREEMENT**

BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF MESA

**THIS AGREEMENT** is entered into this date September 6, 2006, **Amendment No. 1** to JPA No. 05-017, A.G. Contract No.: KR05-0885TRN, filed with the Secretary of State under No. 27873, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF MESA, acting by and through its MAYOR and CITY COUNCIL (the "City").

**I. RECITALS**

1. The State is empowered by Arizona Revised Statutes § 28-401 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

**Article I, Paragraph 3 is being amended in full as follows:**

3. Incident to the State's construction of the Red Mountain Freeway (SR 202L), the City requests certain upgrades be incorporated into the State's ongoing construction work within the Power Road to University Drive segment, to include: **a)** An additional left-turn lane at McDowell Road Traffic Interchange (TI) (Westbound to Southbound entrance); **b)** Enhancements to the traffic signal at the McDowell Road TI; **c)** Enhancement of sidewalks at Brown Road, and extension of reinforced concrete box culvert at McDowell Road to accommodate detached 5 foot sidewalk, as delineated in the design plans and approved by the City; **d)** Construction of quad conduit at McDowell, McKellips and Brown Roads TIs, for the City's Intelligent Transportation System (ITS); **e)** Installation of fiber optic cable and other appurtenances for the City's ITS, the total cost to the City for the Project is estimated at \$750,000.00, as outlined on Exhibit "A", attached hereto and made a part hereof; and **f)** **the City shall provide gas service to the ADOT pump station located at 2026 North 76<sup>th</sup> Street, Mesa, Arizona 85207, and shall be reimbursed for the gas pipe and appurtenance being furnished by the City for relocation of gas lines at McDowell and McKellips Road, hereinafter collectively referred to as the "Project". The estimated cost of providing service and furnishing materials is \$30,711.00, all at the State's expense, and is attached as Exhibit "B", attached hereto and made a part hereof. g)** Exhibit "C", attached hereto and made a part hereof, defines post-construction maintenance responsibilities for the Project.

**THEREFORE**, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

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**II. SCOPE OF WORK****Article II, Paragraph f., and g., are added in full as follows:**

1. The State shall:
  - f. Provide concrete pad and necessary protection devices for gas meter installation, as required by the City.
  - g. Provide access to City staff for gas meter reading and other required maintenance.
  - h. Be responsible for the payment of gas being supplied by the City.
  - i. Upon receipt of an invoice from the City, reimburse the City for the actual cost of the gas service, as outlined in Exhibit "B".

**Article II, Paragraph f., g., and h., are added in full as follows:**

2. The City shall:
  - f. Provide gas service from an existing main along 76<sup>th</sup> Street to the location specified on Sheet 549 of the Project plans and install an appropriately sized gas meter on an ADOT contractor constructed concrete pad. Provide gas pipe and appurtenance for relocation of City owned gas lines at McDowell and McKellips Road. The estimated cost of providing this connection and materials is \$30,711.00, as detailed in Exhibit "B".
  - g. Pressure and volume supplied by the City shall meet pump station equipment requirements as specified.
  - h. Send all monthly billings regarding gas service for the pump station at 2026 North 76<sup>th</sup> Street to ADOT, c/o John Stepins, Phoenix Maintenance District Pump Station Supervisor at 2209 W. Durango Street, Phoenix, Arizona 85009.

3. Maintenance Exhibits:

Each party to this Agreement shall be responsible for maintaining those areas and project features depicted on Exhibit "C".

**EXCEPT AS AMENDED** herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

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**IN WITNESS WHEREOF**, the parties have executed this Amended Agreement the day and year first above written.

**CITY OF MESA**

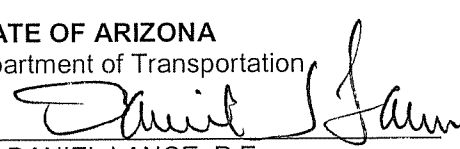
By

  
CHRISTOPHER J. BRADY  
City Manager

**STATE OF ARIZONA**

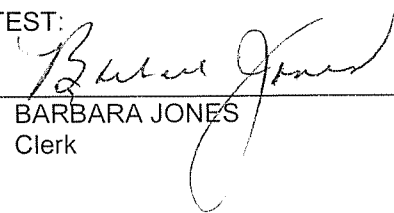
Department of Transportation

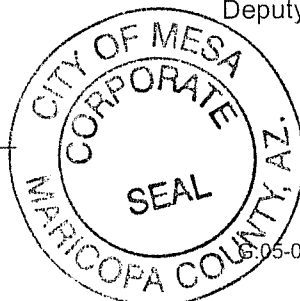
By

  
DANIEL LANCE, P.E.  
Deputy State Engineer, Valley Transportation

ATTEST:

By

  
BARBARA JONES  
Clerk



**JPA 05-017**  
**Amendment No. 1**

**ATTORNEY APPROVAL FORM FOR THE CITY OF MESA**

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 17<sup>th</sup> day of August, 2006.



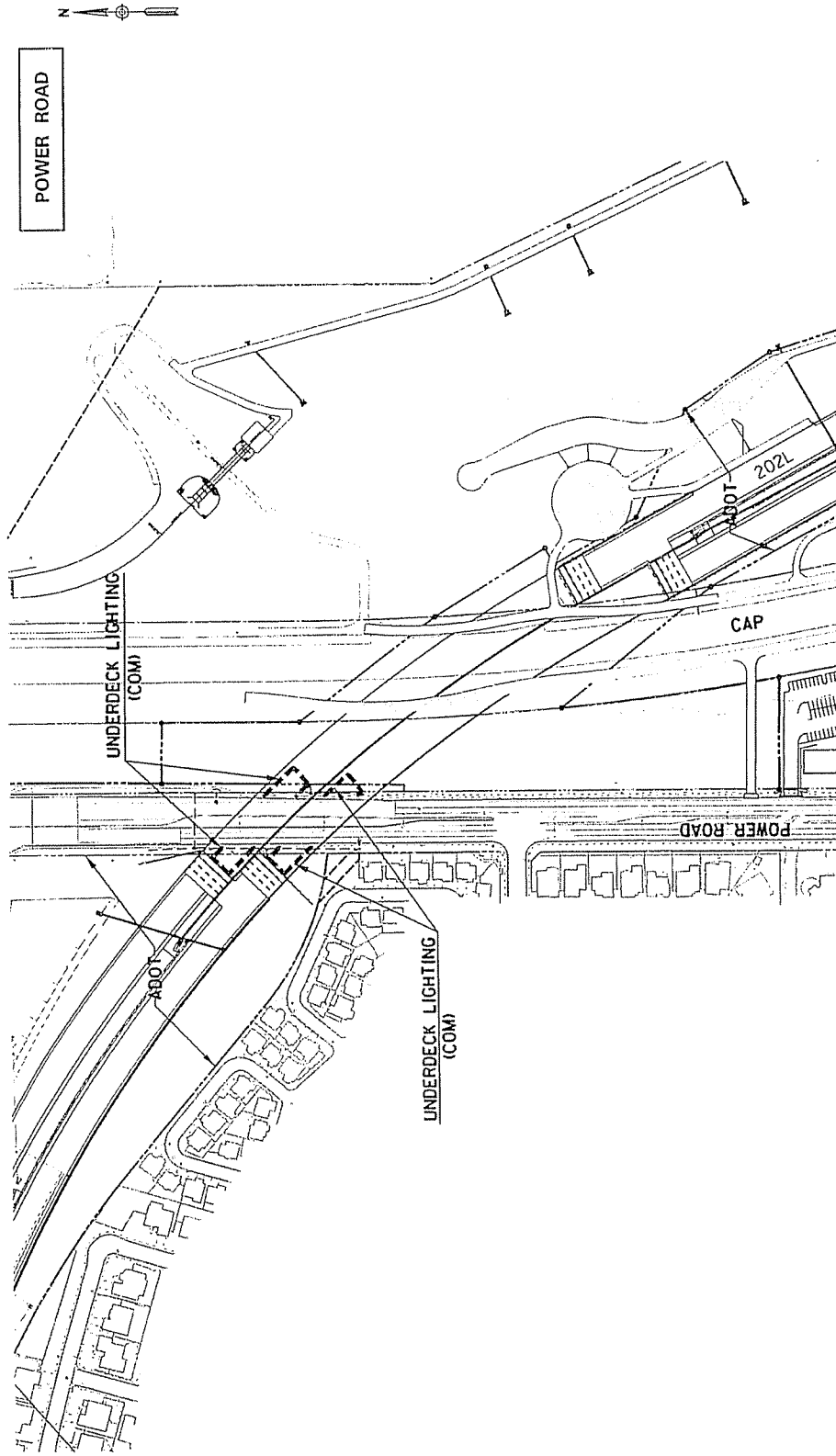
City Attorney

**EXHIBIT B**  
**Amendment 1 Summary Backup**

City of Mesa Estimate  
JPA 05-017  
Date: 2/22/06

Item Description	Unit	Quantity	Unit Price	Amount
Construction Crew Time	Hour	6	\$800.00	\$4,800.00
Commercial Crew Time	Hour	4	\$600.00	\$2,400.00
Misc. Costs	L. Sum	1	\$535.00	\$535.00
Materials	L. Sum	1	\$9,654.00	\$9,654.00
Main Materials	L. Sum	1	\$6,369.00	\$6,369.00
Service Materials	L. Sum	1	\$2,947.00	\$2,947.00
<b>Subtotal</b>				\$26,705.00
Engineering & Administration	L. Sum	1	15%	\$4,006.00
<b>Estimated Total Costs</b>				<b>\$30,711.00</b>
Note: The actual cost of the service will be reimbursed by ADOT.				

EXHIBIT C



LEGEND  
MAINTENANCE ROADS

RED MOUNTAIN FREEWAY / CITY OF MESA  
MAINTENANCE RESPONSIBILITY DIAGRAM  
UNDER DECK LIGHTING AT POWER ROAD

EXHIBIT C

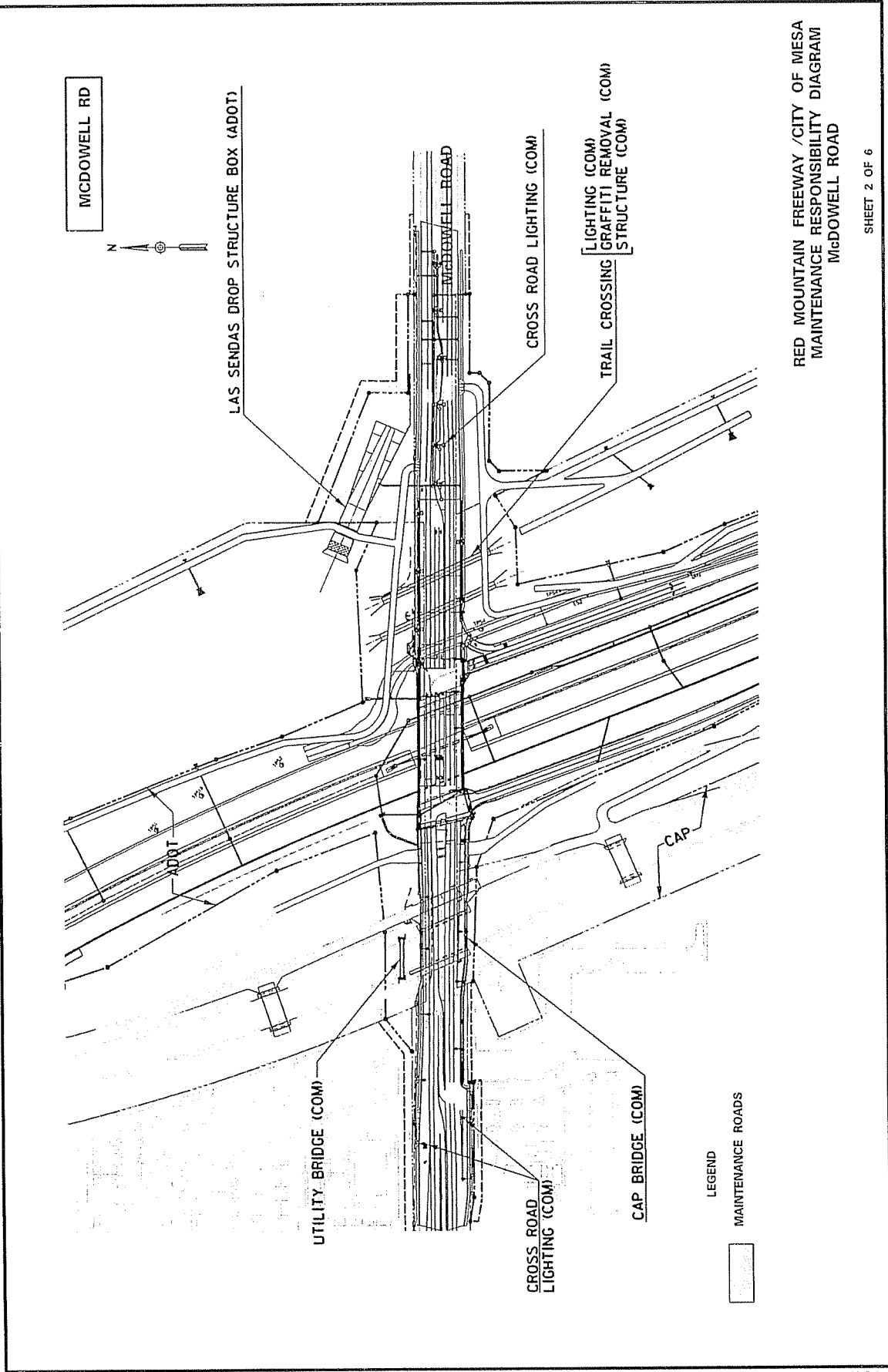
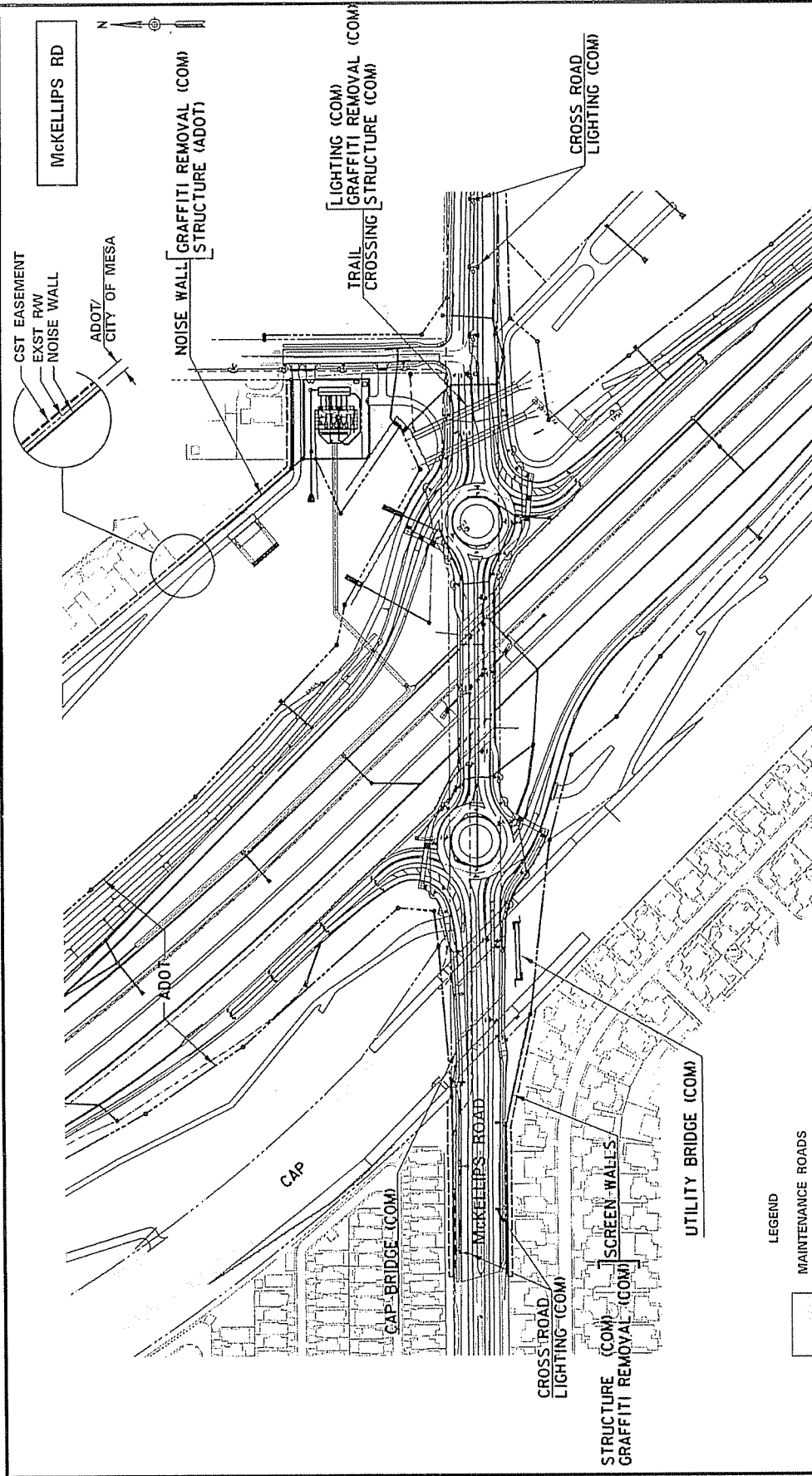
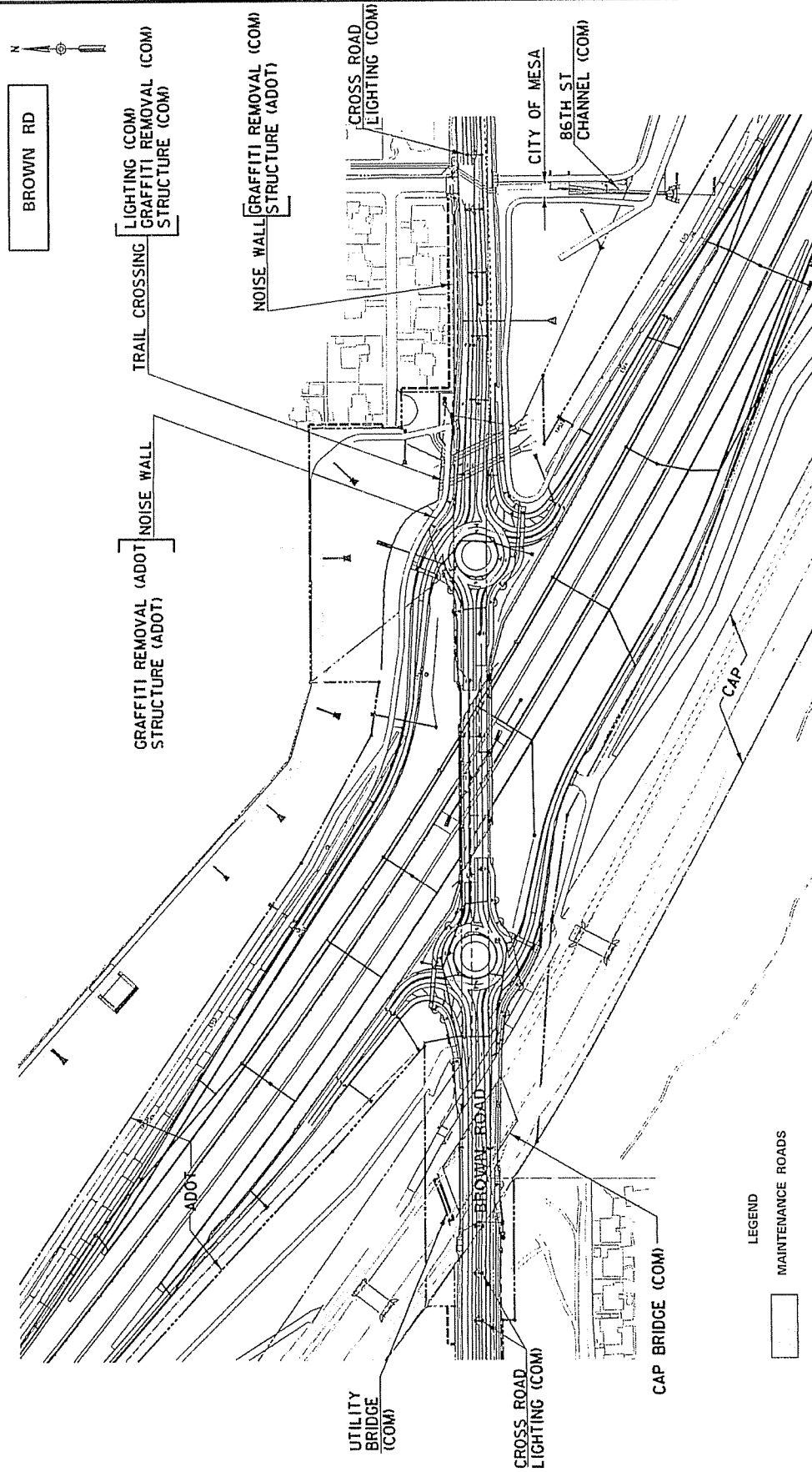


EXHIBIT C



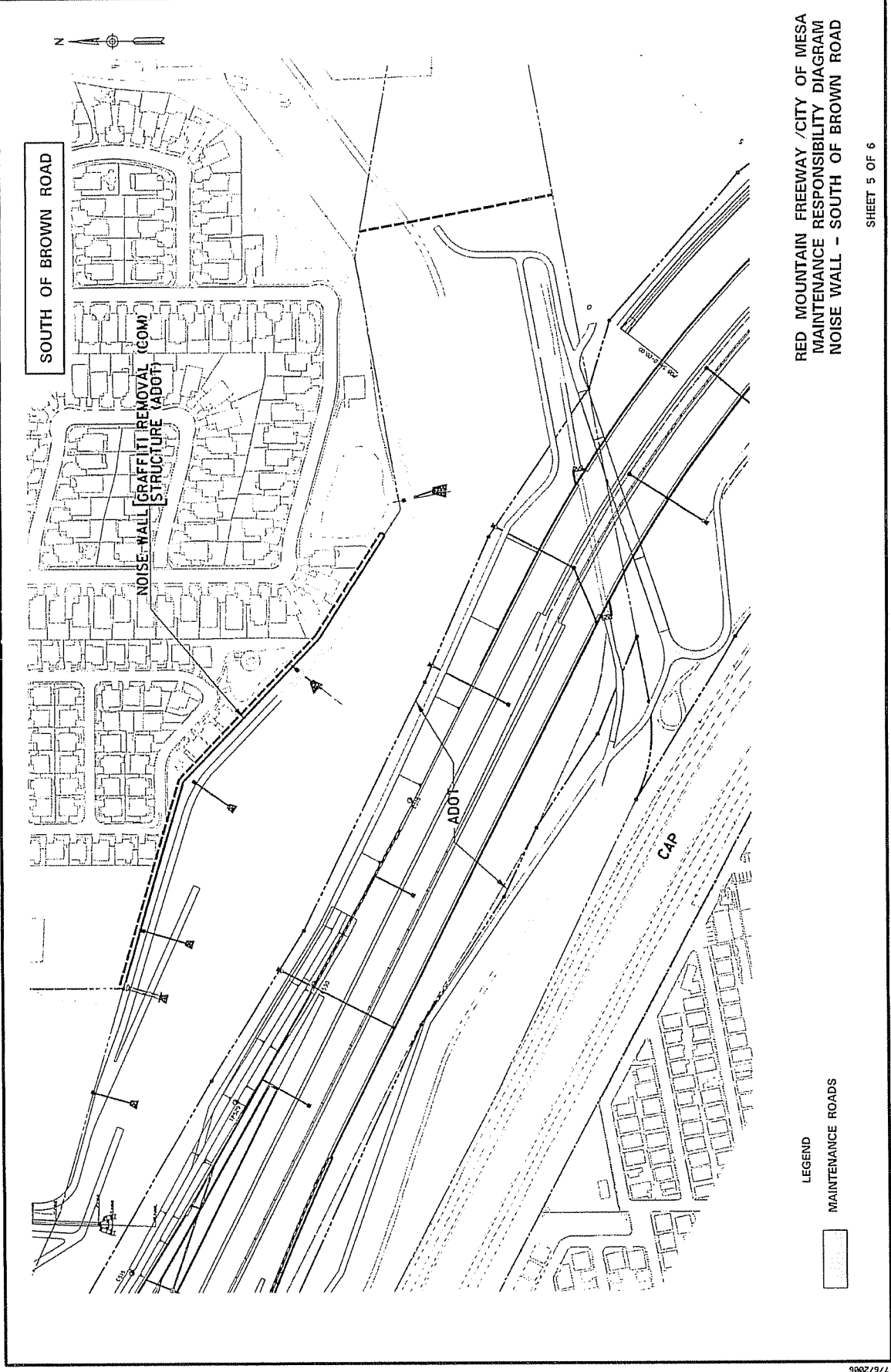
RED MOUNTAIN FREEWAY /CITY OF MESA  
MAINTENANCE RESPONSIBILITY DIAGRAM  
McKELLIPS ROAD



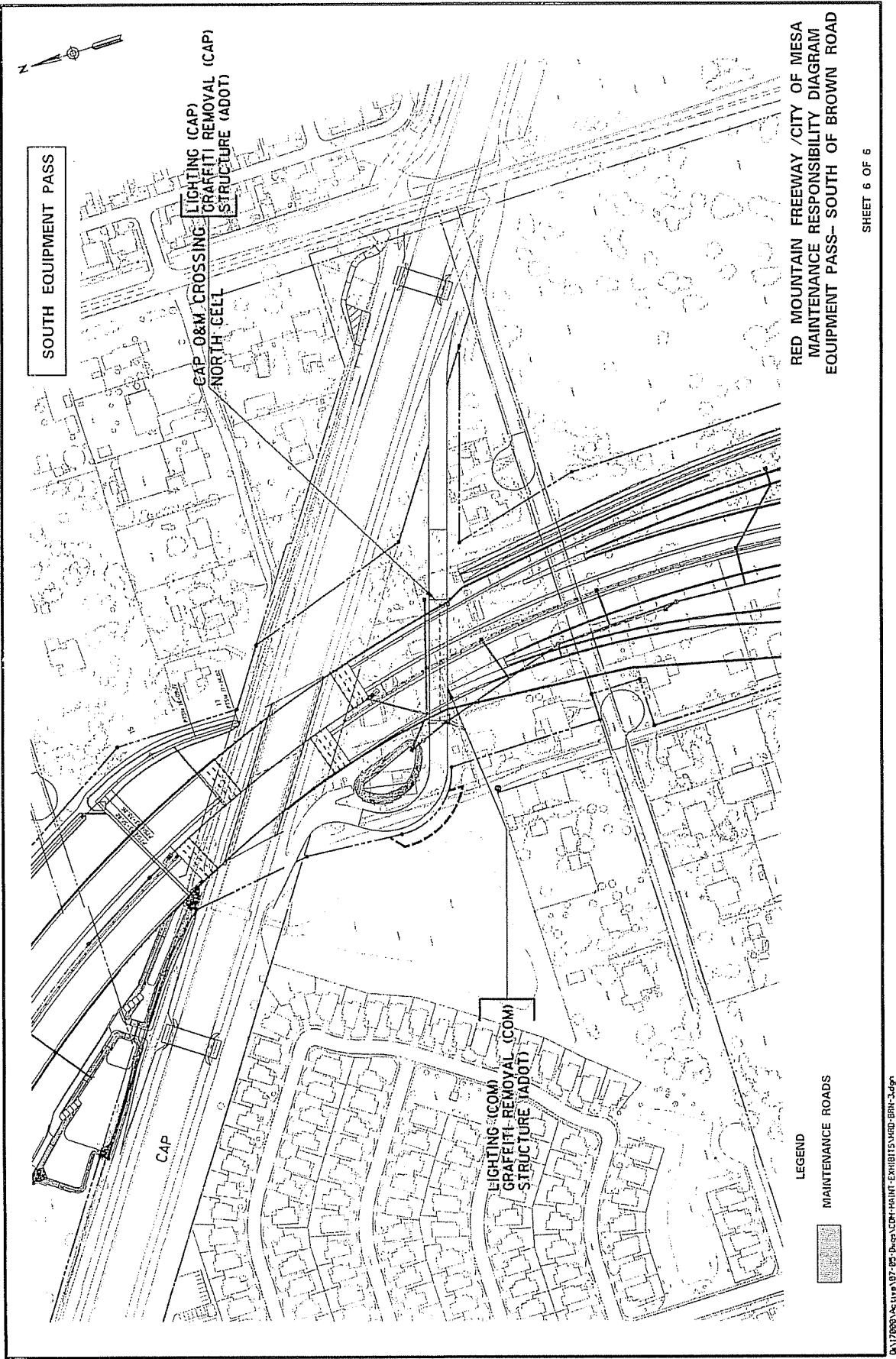
RED MOUNTAIN FREEWAY / CITY OF MESA  
MAINTENANCE RESPONSIBILITY DIAGRAM  
BROWN ROAD



EXHIBIT C



## EXHIBIT C



RESOLUTION NO. 8780

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO AN EXISTING INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF MESA FOR CONSTRUCTION OF A GAS SERVICE AND THE RELOCATION OF EXISTING GAS LINES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA,  
MARICOPA COUNTY, AS FOLLOWS:

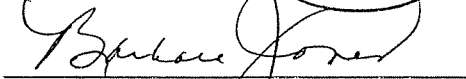
Section 1: That amendment number one to an existing Intergovernmental Agreement between the Arizona Department of Transportation and the City of Mesa for construction of a gas service to ADOT's pump station and relocation of gas lines at the McDowell and McKellips Road freeway crossings (ADOT JPA No. 05-017); is hereby approved.

Section 2: That the City Manager, Christopher J. Brady, or his designated representative, is authorized and directed to execute the agreement on behalf of the City of Mesa, and the City Clerk is authorized and directed to attest to the signature of the City Manager or his authorized designated representative thereon.

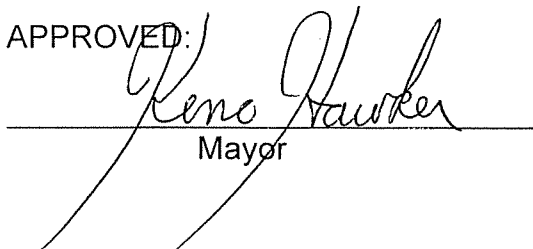
PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 14<sup>th</sup> day of August, 2006.

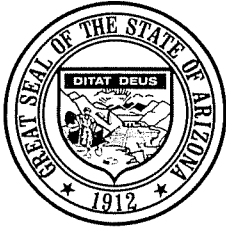


ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED:

  
\_\_\_\_\_  
Mayor



STATE OF ARIZONA  
OFFICE OF THE ATTORNEY GENERAL  
CIVIL DIVISION  
TRANSPORTATION SECTION  
MEMORANDUM

Jeffrey T. Murray  
Assistant Attorney General

Direct: 602-542-8859  
Fax: 602-542-3646


**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR05-0885TRN (**JPA05-017, Amendment No. 1**), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED August 29<sup>th</sup>, 2006.

TERRY GODDARD  
Attorney General

  
JEFFREY T. MURRAY  
Assistant Attorney General

JTM:dgr  
Attachment  
976479